



March 14, 2022

Submitted via regulations.gov

Dr. Alaa Kamel, DFO

Office of Chemical Safety and Pollution Prevention (7201M)

Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460-0001

Re: Oral Comments During the Virtual Public Meeting of the Science Advisory Committee on Chemicals to Peer Review the EPA *Draft Toxic Substances Control Act (TSCA) Screening Level Approach for Assessing Ambient Air and Water Exposures to Fenceline Communities, Version 1.0*, Docket ID. EPA-HQ- OPPT-2021-0415

Dear Dr. Kamel:

The American Chemistry Council¹ appreciates this opportunity to provide the attached oral comments to the TSCA Science Advisory Committee on Chemicals during their peer review meeting regarding the Environmental Protection Agency's *Draft Toxic Substances Control Act (TSCA) Screening Level Approach for Assessing Ambient Air and Water Exposures to Fenceline Communities, Version 1.0*.

Please contact Dr. Paul DeLeo at 202-249-6415 or Paul_DeLeo@americanchemistry.com if you have any questions.

Sincerely,

Paul C. DeLeo, PhD
Senior Director, Chemical Management

¹ The American Chemistry Council (ACC) represents the leading companies engaged in the multibillion-dollar business of chemistry. ACC members apply the science of chemistry to make innovative products, technologies and services that make people's lives better, healthier, and safer. ACC is committed to improved environmental, health, safety, and security performance through Responsible Care®; common sense advocacy addressing major public policy issues; and health and environmental research and product testing. ACC members and chemistry companies are among the largest investors in research and development, and are advancing products, processes, and technologies to address climate change, enhance air and water quality, and progress toward a more sustainable, circular economy.





ORAL TESTIMONY (5 minutes)

Good afternoon. My name is Paul DeLeo. I am a Senior Director in the Regulatory and Scientific Affairs Department at the American Chemistry Council (ACC). ACC is a U.S.-based trade association of about 160 chemical companies, more than half of which are small- and medium-sized businesses. More importantly, our members have facilities in communities across the country that employ hundreds of thousands of Americans.

Our members' facilities in the U.S. are subject to numerous federal statutes and regulations, including the Toxic Substances Control Act (TSCA). ACC strenuously advocated for the 2016 Lautenberg Amendments to TSCA with the desire to foster greater confidence among Americans regarding the safety of chemicals in commerce. In much the same way, ACC is eager to see an approach adopted for evaluating general population exposures to high priority chemicals that considers exposures to fenceline communities adjacent to facilities manufacturing and using those chemicals.

ACC members manufacture, process or use many of the chemicals for which EPA conducted the first ten risk evaluations that this Committee has previously reviewed. Therefore, we look forward to the expertise and insights the SACC can provide to EPA as it refines its fenceline approach.

The SACC has been tasked with conducting a peer-review of the recent EPA *Draft TSCA Screening Level Approach for Assessing Ambient Air and Water Exposures to Fenceline Communities, Version 1.0*. The review by the SACC is critical to producing a transparent and workable framework as EPA will review the SACC's recommendations and develop a final



method. This finalized Screening Level Approach will be applied to seven of the first ten chemicals for which EPA published risk evaluations between 2020 and 2021. The final Screening Level Approach will also be applied to future chemicals undergoing risk evaluation under TSCA Section 6.

ACC has already submitted written comments in advance of this meeting; however, we would like to emphasize several points.

First, understanding general population exposures of which fenceline exposures may be a component is an important aspect of the risk evaluation process. However, the exposure assessment should be developed in a manner consistent with current long-standing EPA guidance. EPA's Exposure Assessment Guidelines recommend completing exposure assessments iteratively using a tiered approach to *strike a balance between the costs of adding detail and refinement to an assessment and the benefits associated with that additional refinement*. The same is true with the Screening Level Approach. EPA should develop a tiered exposure assessment methodology that is part of a larger decision tree that guides the actions that would be taken as part of the assessment. An explicit tiered approach would provide transparency to stakeholders regarding EPA's decision-making process. We believe the use of a tiered approach would result in efficiencies that would counterbalance potential additional effort associated with higher tier refinement and achieve the EPA mission of safeguarding communities and their surrounding environs.

Second, the Screening Level Approach should include steps where existing data, analyses, and expertise are incorporated into the assessment. For example, six of the seven chemicals that are or will be the subject of this Screening Level Approach are hazardous air

pollutants under the Clean Air Act which means there are existing or pending National Emission Standards for Hazardous Air Pollutants (NESHAP) for most of these chemicals. As such, there is a tremendous amount of data, expertise and activity that can be found within the EPA Office of Air and the state agencies implementing the Clean Air Act that should be weaved into the Screening Level Approach. For example, two weeks ago, the Office of Air released an update to its AirToxScreen model. EPA describes AirToxScreen as being part of its new approach to air toxics that provides updated data and risk analyses on an annual basis, to assist state, local and tribal air agencies, EPA, and the public in more easily identifying existing and emerging air toxics issues. The EPA TSCA office should discuss their current or planned engagement with the Office of Air and other experts as part of the development of the Screening Level Approach.

Finally, the data used in the Screening Level Approach such as the TRI data are a critical and influential component of the outcome of the analysis. Those data need to be subject to a data quality assessment so that the variability and uncertainties associated with them are well understood, documented, and accounted for. We believe that the TRI data, while valuable for some purposes, are not sufficiently reliable to serve as the basis for a determination of unreasonable risk under TSCA.

ACC appreciates the opportunity to provide comment on the Screening Level Approach and we would like to thank you, the members of the SACC, for your contribution to this important activity.